

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**PATRICK DEAN CULLOP,**

**Petitioner,**

**vs.**

**BRIAN BELLEQUE,**

**Respondent.**

**Civil No. 07-991-AS**

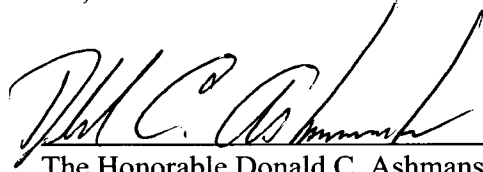
**ORDER DISMISSING HABEAS  
CORPUS PETITION**

This matter having come before the Court on the unopposed motion of the Petitioner to voluntarily dismiss his habeas corpus petition,

IT IS HEREBY ORDERED that the Petition for a Writ of Habeas Corpus is dismissed without prejudice. In the event that the decision in *Blakely v. Washington*, 542 U.S. 296 (2004), is later made retroactive to cases on collateral review, Petitioner has leave to reopen this case only as to the *Blakely* issues, and the limitations period shall be deemed tolled from the date this Order is signed until sixty (60) days after the date of the decision rendering *Blakely* retroactively applicable. If *Blakely* is made retroactive and the Petitioner moves to reopen this case during the

above-referenced 60-day period, Petitioner may also amend the Petition as of right so as to properly plead all *Blakely*-based claims in this Court.

IT IS SO ORDERED this 18 day of September, 2007.

A handwritten signature in black ink, appearing to read 'D. C. Ashmanskas', written over a horizontal line.

The Honorable Donald C. Ashmanskas  
U.S. Magistrate Judge

Submitted by:

/s/ Craig E. Weinerman

Craig E. Weinerman  
Attorney for Petitioner

Lynn Larsen (by consent)  
Attorney for Respondent